

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ARTAVIAS CHOAN COLE §  
VS. § CIVIL ACTION NO. 1:17cv514  
BEAUMONT POLICE OFFICERS 1-5 §

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Atravias Chovan Cole, an inmate at the Jefferson County Correctional Facility in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed without prejudice for want of prosecution.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court concludes plaintiff's objections are without merit. On December 14, 2017, plaintiff was ordered to pay an initial partial filing fee within thirty days. Plaintiff failed to comply with the order of the Court. Accordingly, the Magistrate Judge recommended dismissal for want of prosecution. Plaintiff filed objections to the report and a

separate letter requesting additional time to pay the initial partial filing fee. Therefore, on April 27, 2018, plaintiff was granted a fifteen day extension of time in which to pay the initial partial filing fee as ordered. Plaintiff has had ample time to pay the initial partial filing fee as ordered and yet has failed to comply with the order of the Court. Plaintiff may reinstate the above-styled action on the Court's active docket by filing a motion for reconsideration within thirty (30) days from the date of this order.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**So Ordered and Signed**

Aug 28, 2018



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Ron Clark, Senior District Judge